

REMARKS

Applicants acknowledge receipt of the Office Action dated December 15, 2008, in which the Examiner rejected claim 10 as indefinite; rejected claims 1-3 and 5 as anticipated by Rutledge (US 5928954); rejected claims 7-9, 15, and 16 as anticipated by Coates (US 7339657); rejected claims 13 and 14 as obvious in view of Rutledge; rejected claims 4 and 6 as obvious in view of Rutledge and Chandler (WO 99/52708); rejected claims 10 and 12 as obvious in view of the combination of Rutledge, Coates, and Janata (US 6128561) and rejected claims 11, 18-20 as obvious in view of Coates.

Applicants have amended the claims and respectfully traverse the rejections for the reasons set out below.

Amended claims

The claims have been amended to more specifically recite the nature and context of the invention. In particular, the claims now recite that the invention comprises a method for determining whether an oil change is needed, using an *in situ* detection of a passive odorant molecule by an electronic nose. The detection occurs while the machine is running.

By contrast, Janata requires that the machine be turned off before the test is run. See col. 4, lines 24-28 of Janata, which reads, "The system of the present invention uses a novel sampling/analysis sequence, which is initiated when the engine 10 is shut off or some preprogrammed delay time thereafter, and the oil begins to cool down."

Another distinction lies in the use of an odorant, which is not present in Janata. The Examiner addresses this by stating that "The system of Janata comprises an electronic nose; therefore the system must also comprise an odorant for detection by the electronic nose." A careful reading of Janata, however, reveals that this is not the case. Janata makes no suggestion of any added component that might be sensed and, in fact, Janata explicitly teaches that the sensor component of Janata detects the by-products of degradation of the oil itself. Further, because Janata is directed to monitoring changes in a known oil over time, it would not make sense to add a passive odorant molecule to the oil formulation, as required by the present claims, as the odorant molecule would provide no information about the degradation state of the oil, even if Janata's sensor detected it. Thus, it would not be obvious to modify Janata to meet the limitations of the present claims.

For all of these reasons, and because Rutledge and Coates do not provide the elements missing from Janata, Applicants respectfully submit that amended claim 1 is allowable over the art, as are the claims that depend from it.

Conclusion

Applicants believe that the application is now in condition for allowance.

If it would be helpful in resolving any issues in the case, the Examiner is encouraged to contact the undersigned at the number below.

Respectfully submitted,

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